

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Ways and Means Committee

BILL: PCS/SB 1342

INTRODUCER: Ways and Means Committee and Senator Bennett

SUBJECT: Disabled Veterans/Residence

DATE: April 17, 2006

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|------------------------|
| 1. | Vickers | Yeatman | CA | Fav/1 amendment |
| 2. | McVaney | Coburn | WM | Pre-meeting |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

Currently, certain disabled veterans are exempt from local government building permit fees for wheelchair accessibility improvements upon a mobile home. This bill expands this license and permit fee exemption to include any dwelling owned by the veteran and used as a residence.

This bill substantially amends section 295.16 of the Florida Statutes.

II. Present Situation:

Under current law, any person or organization seeking to construct, modify, or demolish a building in Florida must obtain a permit. Local governments are authorized¹ to charge reasonable permit fees to defray the costs of actions, such as building plan and construction inspections, associated with enforcement of the Code. In addition, each county and municipality is authorized² to create a schedule of fees based upon the specific enforcement needs and requirements for that locality. In the case of remodeling permits, the fee structure generally includes a base or application fee, plus an additional amount based on the construction value of the remodeling project.

Section 295.16, F.S., allows certain veterans to be exempt from paying building license or permit fees to any county or municipality for wheelchair accessibility improvements made upon a mobile home, provided the following criteria are met:

- The veteran must be a resident of Florida;

¹ Sections 125.56(2) and 166.222, F.S.

² Section 553.80(7), F.S.

- The veteran must be permanently and totally disabled and be able to show:
 - A valid identification card³ issued by the Florida Department of Veterans' Affairs;
 - A service-connected 100-percent disability rating for compensation as determined by the United States Department of Veterans' Affairs; or
 - A disability retirement pay receipt from any branch of the uniformed armed services for a 100-percent, service-connected disability rating;
- The veteran must be honorably discharged from the Armed Forces;
- The veteran must own and reside in the mobile home for which the improvements are being made; and
- The veteran may only make improvements to his or her mobile home such as adding ramps, widening doorways, and similar improvements for the purpose of making the mobile home wheelchair-habitable.

Section 295.17, F.S., provides that the Florida Department of Veterans' Affairs (DVA) may issue a photo-identification card to any veteran who is a permanent resident of the state and who has been determined by the U.S. Department of Veterans' Affairs to have a 100-percent, service-connected permanent and total disability rating for compensation, or who has been determined to have a service-connected disability rating of 100-percent and is in receipt of disability retirement pay from any branch of the uniformed armed services. The ID card eligible veteran may request the card in writing to the DVA, and, upon its receipt, the veteran may use the card as proof of identification for all benefits provided by state law for 100-percent, service-connected permanently and totally disabled veterans except for certain benefits relating to property tax exemptions.⁴

Under s. 320.084(2), F.S., a veteran who produces a DVA ID card, as provided for in s. 295.17, F.S., to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) shall be issued one free motor vehicle license plate for use on any motor vehicle owned or leased by the veteran. Since each veteran who receives this benefit is limited to one free license plate and each veteran who qualifies for this benefit is likely to use it, this statute provides a means to estimate the number of 100-percent, service-connected permanent and totally disabled veterans living in Florida. According to the DHSMV, as of January 11, 2006, there were 4,556 disabled veteran wheelchair license plates issued in the state⁵.

III. Effect of Proposed Changes:

This bill amends s. 295.16, F.S., to replace the phrase *mobile home* with the word *dwelling*, effectively expanding the building license or permit fee exemption to a greater population of disabled veterans who make wheelchair accessibility improvements to their owner-occupied residences.

³ Section 295.17, F.S.

⁴ It should be noted that not all 100-percent, service-connected, permanently and totally disabled veterans are confined to wheelchairs. For example, a veteran could be rated with a 100-percent permanent and total disability for post-traumatic stress disorder, yet not require a wheelchair. Similarly, not all wheelchair-confined veterans are 100-percent, service-connected, permanently and totally disabled.

⁵ Florida Department of Highway Safety and Motor Vehicles, January 13, 2006.

This bill will enable a larger population of eligible, disabled veterans to take advantage of the existing fee exemption, reducing the costs that they are obligated to pay in order to make their homes wheelchair accessible.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Subsection (b) of s. 18, Art. VII of the State Constitution provides that except upon approval of each house of the legislature by 2/3 vote of the membership, the legislature may not enact, amend or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority exists on February 1, 1989.

The bill expands the waiver of local government fees, thereby reducing their revenue-raising authority. Because the impact on local government revenues is estimated to be insignificant, this bill appears to fall within the exemption (contained in subsection (d) of s. 18, Art. VII) from the require a two-thirds vote of the membership of each house of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

The bill would broaden the existing building permit fee waiver for totally and permanently disabled Florida veterans to domiciles other than mobile homes.

B. Private Sector Impact:

According to the DHSMV, at least 4,556 100-percent, service-connected permanent and totally disabled wheelchair-confined veterans currently reside in Florida, therefore, this number may be considered the maximum number of veterans eligible for the benefit provided for in this bill.

C. Government Sector Impact:

The fiscal impact on local government revenues is estimated to be insignificant.

VI. Technical Deficiencies:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
